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SENATE FLOOR VERSION

February 22, 2021

SENATE BILL NO. 680

By: Daniels

An Act relating to medical marijuana; amending Section 2, Chapter 11, O.S.L. 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 427.2), which relates to definitions used in the Oklahoma Medical Marijuana and Patient Protection Act; modifying definition; amending Section 17, Chapter 11, O.S.L. 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S. Supp. 2020, Section 427.17), which relates to medical marijuana testing laboratory license; requiring testing of medical marijuana waste prior to transfer; requiring separation of medical marijuana waste into waste batches; modifying provisions to include medical marijuana waste; clarifying language; updating statutory references; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 11, O.S.L. 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

Section 427.2. As used in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation, of

1 visual, oral, or written communication to induce directly or
2 indirectly any person to patronize a particular medical marijuana
3 business, or to purchase particular medical marijuana or a medical
4 marijuana product. Advertising includes marketing, but does not
5 include packaging and labeling;

6 2. "Authority" means the Oklahoma Medical Marijuana Authority;

7 3. "Batch number" means a unique numeric or alphanumeric
8 identifier assigned prior to testing to allow for inventory tracking
9 and traceability;

10 4. "Cannabinoid" means any of the chemical compounds that are
11 active principles of marijuana;

12 5. "Caregiver" means a family member or assistant who regularly
13 looks after a medical marijuana license holder whom a physician
14 attests needs assistance;

15 6. "Child-resistant" means special packaging that is:

16 a. designed or constructed to be significantly difficult
17 for children under five (5) years of age to open and
18 not difficult for normal adults to use properly as
19 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
20 1700.20 (1995),

21 b. opaque so that the outermost packaging does not allow
22 the product to be seen without opening the packaging
23 material, and
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1 c. resealable to maintain its child-resistant
2 effectiveness for multiple openings for any product
3 intended for more than a single use or containing
4 multiple servings;

5 7. "Clone" means a nonflowering plant cut from a mother plant
6 that is capable of developing into a new plant and has shown no
7 signs of flowering;

8 8. "Commissioner" means the State Commissioner of Health;

9 9. "Complete application" means a document prepared in
10 accordance with the provisions set forth in ~~this act~~ the Oklahoma
11 Medical Marijuana and Patient Protection Act, rules promulgated
12 pursuant thereto, and the forms and instructions provided by the
13 Department, including any supporting documentation required and the
14 applicable license application fee;

15 10. "Department" means the State Department of Health;

16 11. "Director" means the Executive Director of the Oklahoma
17 Medical Marijuana Authority;

18 12. "Dispense" means the selling of medical marijuana or a
19 medical marijuana product to a qualified patient or the designated
20 caregiver of the patient that is packaged in a suitable container
21 appropriately labeled for subsequent administration to or use by a
22 qualifying patient;

23 13. "Dispensary" means a medical marijuana dispensary, an
24 entity that has been licensed by the Department pursuant to ~~this act~~

1 the Oklahoma Medical Marijuana and Patient Protection Act to
2 purchase medical marijuana or medical marijuana products from a
3 licensed medical marijuana commercial grower or medical marijuana
4 processor, sell medical marijuana or medical marijuana products to
5 patients and caregivers as defined under ~~this act~~ Section 427.1 et
6 seq. of this title, or sell or transfer products to another
7 dispensary;

8 14. "Edible medical marijuana product" means any medical-
9 marijuana-infused product for which the intended use is oral
10 consumption including, but not limited to, any type of food, drink
11 or pill;

12 15. "Entity" means an individual, general partnership, limited
13 partnership, limited liability company, trust, estate, association,
14 corporation, cooperative, or any other legal or commercial entity;

15 16. "Flower" means the reproductive organs of the marijuana or
16 cannabis plant referred to as the bud or parts of the plant that are
17 harvested and used to consume in a variety of medical marijuana
18 products;

19 17. "Flowering" means the reproductive state of the marijuana
20 or cannabis plant in which there are physical signs of flower or
21 budding out of the nodes of the stem;

22 18. "Food-based medical marijuana concentrate" means a medical
23 marijuana concentrate that was produced by extracting cannabinoids
24 from medical marijuana through the use of propylene glycol,

1 glycerin, butter, olive oil, coconut oil or other typical food-safe
2 cooking fats;

3 19. "Good cause" for purposes of an initial, renewal or
4 reinstatement license application, or for purposes of discipline of
5 a licensee, means:

6 a. the licensee or applicant has violated, does not meet,
7 or has failed to comply with any of the terms,
8 conditions or provisions of the act, any rules
9 promulgated pursuant thereto, or any supplemental
10 relevant state or local law, rule or regulation,

11 b. the licensee or applicant has failed to comply with
12 any special terms or conditions that were placed upon
13 the license pursuant to an order of the State
14 Department of Health, Oklahoma Medical Marijuana
15 Authority or the municipality, or

16 c. the licensed premises of a medical marijuana business
17 or applicant have been operated in a manner that
18 adversely affects the public health or welfare or the
19 safety of the immediate vicinity in which the
20 establishment is located;

21 20. "Harvest batch" means a specifically identified quantity of
22 medical marijuana that is uniform in strain, cultivated utilizing
23 the same cultivation practices, harvested at the same time from the
24 same location and cured under uniform conditions;

1 21. "Harvested marijuana" means post-flowering medical
2 marijuana not including trim, concentrate or waste;

3 22. "Heat- or pressure-based medical marijuana concentrate"
4 means a medical marijuana concentrate that was produced by
5 extracting cannabinoids from medical marijuana through the use of
6 heat or pressure;

7 23. "Immature plant" means a nonflowering marijuana plant that
8 has not demonstrated signs of flowering;

9 24. "Inventory tracking system" means the required tracking
10 system that accounts for medical marijuana from either the seed or
11 immature plant stage until the medical marijuana or medical
12 marijuana product is sold to a patient at a medical marijuana
13 dispensary, transferred to a medical marijuana research facility,
14 destroyed by a medical marijuana business or used in a research
15 project by a medical marijuana research facility;

16 25. "Licensed patient" or "patient" means a person who has been
17 issued a medical marijuana patient license by the State Department
18 of Health or Oklahoma Medical Marijuana Authority;

19 26. "Licensed premises" means the premises specified in an
20 application for a medical marijuana business license, medical
21 marijuana research facility license or medical marijuana education
22 facility license pursuant to ~~this act~~ the Oklahoma Medical Marijuana
23 and Patient Protection Act that are owned or in possession of the
24 licensee and within which the licensee is authorized to cultivate,

1 manufacture, distribute, sell, store, transport, test or research
2 medical marijuana or medical marijuana products in accordance with
3 the provisions of ~~this act~~ the Oklahoma Medical Marijuana and
4 Patient Protection Act and rules promulgated pursuant thereto;

5 27. "Manufacture" means the production, propagation,
6 compounding or processing of a medical marijuana product, excluding
7 marijuana plants, either directly or indirectly by extraction from
8 substances of natural or synthetic origin, or independently by means
9 of chemical synthesis, or by a combination of extraction and
10 chemical synthesis;

11 28. "Marijuana" shall have the same meaning as such term is
12 defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

13 29. "Material change" means any change that would require a
14 substantive revision to the standard operating procedures of a
15 licensee for the cultivation or production of medical marijuana,
16 medical marijuana concentrate or medical marijuana products;

17 30. "Mature plant" means a harvestable female marijuana plant
18 that is flowering;

19 31. "Medical marijuana business (MMB)" means a licensed medical
20 marijuana dispensary, medical marijuana processor, medical marijuana
21 commercial grower, medical marijuana laboratory, medical marijuana
22 business operator, or a medical marijuana transporter;

23 32. "Medical marijuana concentrate" or "concentrate" means a
24 specific subset of medical marijuana that was produced by extracting

1 cannabinoids from medical marijuana. Categories of medical
2 marijuana concentrate include water-based medical marijuana
3 concentrate, food-based medical marijuana concentrate, solvent-based
4 medical marijuana concentrate, and heat- or pressure-based medical
5 marijuana concentrate;

6 33. "Medical marijuana commercial grower" or "commercial
7 grower" means an entity licensed to cultivate, prepare and package
8 medical marijuana and transfer or contract for transfer medical
9 marijuana to a medical marijuana dispensary, medical marijuana
10 processor, any other medical marijuana commercial grower, medical
11 marijuana research facility, medical marijuana education facility
12 and pesticide manufacturers. A commercial grower may sell seeds,
13 flower or clones to commercial growers pursuant to ~~this act~~ the
14 Oklahoma Medical Marijuana and Patient Protection Act;

15 34. "Medical marijuana education facility" or "education
16 facility" means a person or entity approved pursuant to ~~this act~~ the
17 Oklahoma Medical Marijuana and Patient Protection Act to operate a
18 facility providing training and education to individuals involving
19 the cultivation, growing, harvesting, curing, preparing, packaging
20 or testing of medical marijuana, or the production, manufacture,
21 extraction, processing, packaging or creation of medical-marijuana-
22 infused products or medical marijuana products as described in ~~this~~
23 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

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1 35. "Medical-marijuana-infused product" means a product infused
2 with medical marijuana including, but not limited to, edible
3 products, ointments and tinctures;

4 36. "Medical marijuana product" or "product" means a product
5 that contains cannabinoids that have been extracted from plant
6 material or the resin therefrom by physical or chemical means and is
7 intended for administration to a qualified patient including, but
8 not limited to, oils, tinctures, edibles, pills, topical forms,
9 gels, creams, vapors, patches, liquids, and forms administered by a
10 nebulizer, excluding live plant forms which are considered medical
11 marijuana;

12 37. "Medical marijuana processor" means a person or entity
13 licensed pursuant to ~~this act~~ the Oklahoma Medical Marijuana and
14 Patient Protection Act to operate a business including the
15 production, manufacture, extraction, processing, packaging or
16 creation of concentrate, medical-marijuana-infused products or
17 medical marijuana products as described in ~~this act~~ the Oklahoma
18 Medical Marijuana and Patient Protection Act;

19 38. "Medical marijuana research facility" or "research
20 facility" means a person or entity approved pursuant to ~~this act~~ the
21 Oklahoma Medical Marijuana and Patient Protection Act to conduct
22 medical marijuana research. A medical marijuana research facility
23 is not a medical marijuana business;

24

1 39. "Medical marijuana testing laboratory" or "laboratory"
2 means a public or private laboratory licensed pursuant to ~~this act,~~
3 the Oklahoma Medical Marijuana and Patient Protection Act to conduct
4 testing and research on medical marijuana ~~and,~~ medical marijuana
5 products and medical marijuana waste;

6 40. "Medical marijuana transporter" or "transporter" means a
7 person or entity that is licensed pursuant to ~~this act~~ the Oklahoma
8 Medical Marijuana and Patient Protection Act. A medical marijuana
9 transporter does not include a medical marijuana business that
10 transports its own medical marijuana, medical marijuana concentrate
11 or medical marijuana products to a property or facility adjacent to
12 or connected to the licensed premises if the property is another
13 licensed premises of the same medical marijuana business;

14 41. "Medical marijuana waste" or "waste" means unused, surplus,
15 returned or out-of-date marijuana, plant debris of the plant of the
16 genus Cannabis, including dead plants and all unused plant parts and
17 roots, except the term shall not include roots, stems, stalks and
18 fan leaves;

19 42. "Medical use" means the acquisition, possession, use,
20 delivery, transfer or transportation of medical marijuana, medical
21 marijuana products, medical marijuana devices or paraphernalia
22 relating to the administration of medical marijuana to treat a
23 licensed patient;

1 43. "Mother plant" means a marijuana plant that is grown or
2 maintained for the purpose of generating clones, and that will not
3 be used to produce plant material for sale to a medical marijuana
4 processor or medical marijuana dispensary;

5 44. "Oklahoma physician" or "physician" means a physician
6 licensed by and in good standing with the State Board of Medical
7 Licensure and Supervision, the State Board of Osteopathic Examiners
8 or the Board of Podiatric Medical Examiners;

9 45. "Oklahoma resident" means an individual who can provide
10 proof of residency as required by ~~this act~~ the Oklahoma Medical
11 Marijuana and Patient Protection Act;

12 46. "Owner" means, except where the context otherwise requires,
13 a direct beneficial owner including, but not limited to, all persons
14 or entities as follows:

- 15 a. all shareholders owning an interest of a corporate
16 entity and all officers of a corporate entity,
 - 17 b. all partners of a general partnership,
 - 18 c. all general partners and all limited partners that own
19 an interest in a limited partnership,
 - 20 d. all members that own an interest in a limited
21 liability company,
 - 22 e. all beneficiaries that hold a beneficial interest in a
23 trust and all trustees of a trust,
- 24

- 1 f. all persons or entities that own interest in a joint
2 venture,
3 g. all persons or entities that own an interest in an
4 association,
5 h. the owners of any other type of legal entity, and
6 i. any other person holding an interest or convertible
7 note in any entity which owns, operates or manages a
8 licensed facility;

9 47. "Package" or "packaging" means any container or wrapper
10 that may be used by a medical marijuana business to enclose or
11 contain medical marijuana;

12 48. "Person" means a natural person, partnership, association,
13 business trust, company, corporation, estate, limited liability
14 company, trust or any other legal entity or organization, or a
15 manager, agent, owner, director, servant, officer or employee
16 thereof, except that "person" does not include any governmental
17 organization;

18 49. "Pesticide" means any substance or mixture of substances
19 intended for preventing, destroying, repelling or mitigating any
20 pest or any substance or mixture of substances intended for use as a
21 plant regulator, defoliant or desiccant, except that the term
22 "pesticide" shall not include any article that is a "new animal
23 drug" as designated by the United States Food and Drug
24 Administration;

1 50. "Production batch" means:

- 2 a. any amount of medical marijuana concentrate of the
3 same category and produced using the same extraction
4 methods, standard operating procedures and an
5 identical group of harvest batch of medical marijuana,
6 or
7 b. any amount of medical marijuana product of the same
8 exact type, produced using the same ingredients,
9 standard operating procedures and the same production
10 batch of medical marijuana concentrate;

11 51. "Public institution" means any entity established or
12 controlled by the federal government, state government, or a local
13 government or municipality including, but not limited to,
14 institutions of higher education or related research institutions;

15 52. "Public money" means any funds or money obtained by the
16 holder from any governmental entity including, but not limited to,
17 research grants;

18 53. "Recommendation" means a document that is signed or
19 electronically submitted by a physician on behalf of a patient for
20 the use of medical marijuana pursuant to ~~this act~~ the Oklahoma
21 Medical Marijuana and Patient Protection Act;

22 54. "Registered to conduct business" means a person that has
23 provided proof that the business applicant is in good standing with
24 the Oklahoma Secretary of State and Oklahoma Tax Commission;

1 55. "Remediation" means the process by which the medical
2 marijuana flower or trim, which has failed microbial testing, is
3 processed into solvent-based medical marijuana concentrate and
4 retested as required by ~~this act~~ the Oklahoma Medical Marijuana and
5 Patient Protection Act;

6 56. "Research project" means a discrete scientific endeavor to
7 answer a research question or a set of research questions related to
8 medical marijuana and is required for a medical marijuana research
9 license. A research project shall include a description of a
10 defined protocol, clearly articulated goals, defined methods and
11 outputs, and a defined start and end date. The description shall
12 demonstrate that the research project will comply with all
13 requirements in ~~this act~~ the Oklahoma Medical Marijuana and Patient
14 Protection Act and rules promulgated pursuant thereto. All research
15 and development conducted by a medical marijuana research facility
16 shall be conducted in furtherance of an approved research project;

17 57. "Revocation" means the final decision by the Department
18 that any license issued pursuant to ~~this act~~ the Oklahoma Medical
19 Marijuana and Patient Protection Act is rescinded because the
20 individual or entity does not comply with the applicable
21 requirements set forth in ~~this act~~ the Oklahoma Medical Marijuana
22 and Patient Protection Act or rules promulgated pursuant thereto;

23 58. "School" means a public or private preschool or a public or
24 private elementary or secondary school used for school classes and

1 instruction. A homeschool, daycare or child-care facility shall not
2 be considered a "school" as used in ~~this act~~ the Oklahoma Medical
3 Marijuana and Patient Protection Act;

4 59. "Shipping container" means a hard-sided container with a
5 lid or other enclosure that can be secured in place. A shipping
6 container is used solely for the transport of medical marijuana,
7 medical marijuana concentrate, or medical marijuana products between
8 medical marijuana businesses, a medical marijuana research facility,
9 or a medical marijuana education facility;

10 60. "Solvent-based medical marijuana concentrate" means a
11 medical marijuana concentrate that was produced by extracting
12 cannabinoids from medical marijuana through the use of a solvent
13 approved by the Department;

14 61. "State Question" means Oklahoma State Question No. 788,
15 Initiative Petition No. 412, approved by a majority vote of the
16 citizens of Oklahoma on June 26, 2018;

17 62. "Strain" means the classification of marijuana or cannabis
18 plants in either pure sativa, indica, afghanica, ruderalis or hybrid
19 varieties;

20 63. "THC" means tetrahydrocannabinol, which is the primary
21 psychotropic cannabinoid in marijuana formed by decarboxylation of
22 naturally tetrahydrocannabinolic acid, which generally occurs by
23 exposure to heat;

1 64. "Test batch" means with regard to usable marijuana, a
2 homogenous, identified quantity of usable marijuana by strain, no
3 greater than ten (10) pounds, that is harvested during a seven-day
4 period from a specified cultivation area, and with regard to oils,
5 vapors and waxes derived from usable marijuana, means an identified
6 quantity that is uniform, that is intended to meet specifications
7 for identity, strength and composition, and that is manufactured,
8 packaged and labeled during a specified time period according to a
9 single manufacturing, packaging and labeling protocol;

10 65. "Transporter agent" means a person who transports medical
11 marijuana or medical marijuana products for a licensed transporter
12 and holds a transporter agent license pursuant to ~~this act~~ the
13 Oklahoma Medical Marijuana and Patient Protection Act;

14 66. "Universal symbol" means the image established by the State
15 Department of Health or Oklahoma Medical Marijuana Authority and
16 made available to licensees through its website indicating that the
17 medical marijuana or the medical marijuana product contains THC;

18 67. "Usable marijuana" means the dried leaves, flowers, oils,
19 vapors, waxes and other portions of the marijuana plant and any
20 mixture or preparation thereof, excluding seed, roots, stems, stalks
21 and fan leaves; and

22 68. "Water-based medical marijuana concentrate" means a
23 concentrate that was produced by extracting cannabinoids from
24 medical marijuana through the use of only water, ice, or dry ice.

1 SECTION 2. AMENDATORY Section 17, Chapter 11, O.S.L.
2 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.
3 Supp. 2020, Section 427.17), is amended to read as follows:

4 Section 427.17. A. There is hereby created a medical marijuana
5 testing laboratory license as a category of the medical marijuana
6 business license. The Authority is hereby enabled to monitor,
7 inspect and audit a licensed testing laboratory under ~~this act~~
8 Section 427.1 et seq. of this title.

9 B. The Authority is hereby authorized to contract with a
10 private laboratory for the purpose of conducting compliance testing
11 of medical marijuana testing laboratories licensed in this state.
12 Any such laboratory under contract for compliance testing shall be
13 prohibited from conducting any other commercial medical marijuana
14 testing in this state.

15 C. The Authority shall have the authority to develop acceptable
16 testing and research practices, including but not limited to
17 testing, standards, quality control analysis, equipment
18 certification and calibration, and chemical identification and
19 substances used in bona fide research methods so long as it complies
20 with ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection
21 Act.

22 D. A person who is a direct beneficial owner or an indirect
23 beneficial owner of a medical marijuana dispensary, medical
24

1 marijuana commercial grower, or medical marijuana processor shall
2 not be an owner of a laboratory.

3 E. A laboratory and a laboratory applicant shall comply with
4 all applicable local ordinances, including but not limited to
5 zoning, occupancy, licensing and building codes.

6 F. A separate license shall be required for each specific
7 laboratory.

8 G. A medical marijuana testing laboratory license may be issued
9 to a person who performs testing and research on medical marijuana
10 ~~and~~, medical marijuana products and medical marijuana waste for
11 medical marijuana businesses, medical marijuana research facilities,
12 medical marijuana education facilities, and testing and research on
13 medical marijuana ~~and marijuana products~~ grown ~~or produced~~ by a
14 patient or caregiver on behalf of a patient, upon verification of
15 registration. No state-approved medical marijuana testing facility
16 shall operate unless a medical laboratory director is on site during
17 operational hours.

18 H. A laboratory applicant shall comply with the application
19 requirements of this section and shall submit such other information
20 as required for a medical marijuana business applicant, in addition
21 to any information the Authority may request for initial approval
22 and periodic evaluations during the approval period.

23 I. A medical marijuana testing laboratory may accept samples of
24 medical marijuana, medical marijuana concentrate ~~or~~, medical

1 marijuana product or medical marijuana waste from a medical
2 marijuana business for testing and research purposes only, which
3 purposes may include the provision of testing services for samples
4 submitted by a medical marijuana business for product development.
5 The Department may require a medical marijuana business to submit a
6 sample of medical marijuana, medical marijuana concentrate ~~or,~~
7 medical marijuana product or medical marijuana waste to a medical
8 marijuana testing laboratory upon demand.

9 J. A medical marijuana testing laboratory may accept samples of
10 medical marijuana, medical marijuana concentrate or medical
11 marijuana product from an individual person for testing only under
12 the following conditions:

13 1. The individual person is a patient or caregiver pursuant to
14 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act
15 or is a participant in an approved clinical or observational study
16 conducted by a research facility; and

17 2. The medical marijuana testing laboratory ~~shall require~~
18 requires the patient or caregiver to produce a valid patient license
19 and current and valid photo identification.

20 K. A medical marijuana testing laboratory may transfer samples
21 to another medical marijuana testing laboratory for testing. All
22 laboratory reports provided to or by a medical marijuana business or
23 to a patient or caregiver shall identify the medical marijuana
24 testing laboratory that actually conducted the test.

1 L. A medical marijuana testing laboratory may utilize a
2 licensed medical marijuana transporter to transport samples of
3 medical marijuana, medical marijuana concentrate ~~and~~, medical
4 marijuana product and medical marijuana waste for testing, in
5 accordance with ~~this act~~ the Oklahoma Medical Marijuana and Patient
6 Protection Act and the rules adopted pursuant thereto, between the
7 originating medical marijuana business requesting testing services
8 and the destination laboratory performing testing services.

9 M. The medical marijuana testing laboratory shall establish
10 policies to prevent the existence of or appearance of undue
11 commercial, financial or other influences that may diminish the
12 competency, impartiality and integrity of the testing processes or
13 results of the laboratory, or that may diminish public confidence in
14 the competency, impartiality and integrity of the testing processes
15 or results of the laboratory. At a minimum, employees, owners or
16 agents of a medical marijuana testing laboratory who participate in
17 any aspect of the analysis and results of a sample are prohibited
18 from improperly influencing the testing process, improperly
19 manipulating data, or improperly benefiting from any ongoing
20 financial, employment, personal or business relationship with the
21 medical marijuana business that provided the sample.

22 N. The Department, pursuant to rules promulgated by the State
23 Commissioner of Health, shall develop standards, policies and
24 procedures as necessary for:

- 1 1. The cleanliness and orderliness of a laboratory premises and
2 the location of the laboratory in a secure location, and inspection,
3 cleaning and maintenance of any equipment or utensils used for the
4 analysis of test samples;
- 5 2. Testing procedures, testing standards for cannabinoid and
6 terpenoid potency and safe levels of contaminants, and remediation
7 procedures;
- 8 3. Controlled access areas for storage of medical marijuana and
9 medical marijuana product test samples, waste and reference
10 standards;
- 11 4. Records to be retained and computer systems to be utilized
12 by the laboratory;
- 13 5. The possession, storage and use by the laboratory of
14 reagents, solutions and reference standards;
- 15 6. A certificate of analysis (COA) for each lot of reference
16 standard;
- 17 7. The transport and disposal of unused marijuana, marijuana
18 products and waste;
- 19 8. The mandatory use by a laboratory of an inventory tracking
20 system to ensure all test batches or samples containing medical
21 marijuana, medical marijuana concentrate ~~or~~, medical marijuana
22 products or medical marijuana waste are identified and tracked from
23 the point they are transferred from a medical marijuana business, a
24 patient or a caregiver through the point of transfer, destruction or

1 disposal. The inventory tracking system reporting shall include the
2 results of any tests that are conducted on medical marijuana,
3 medical marijuana concentrate ~~or~~, medical marijuana product or
4 medical marijuana waste;

5 9. Standards of performance;

6 10. The employment of laboratory personnel;

7 11. A written standard operating procedure manual to be
8 maintained and updated by the laboratory;

9 12. The successful participation in a Department-approved
10 proficiency testing program for each testing category listed in this
11 section, in order to obtain and maintain certification;

12 13. The establishment of and adherence to a quality assurance
13 and quality control program to ensure sufficient monitoring of
14 laboratory processes and quality of results reported;

15 14. The establishment by the laboratory of a system to document
16 the complete chain of custody for samples from receipt through
17 disposal;

18 15. The establishment by the laboratory of a system to retain
19 and maintain all required records, including business records, and
20 processes to ensure results are reported in a timely and accurate
21 manner; and

22 16. Any other aspect of laboratory testing of medical marijuana
23 ~~or~~, medical marijuana product or medical marijuana waste deemed
24 necessary by the Department.

1 O. A medical marijuana testing laboratory shall promptly
2 provide the Department or designee of the Department access to a
3 report of a test and any underlying data that is conducted on a
4 sample at the request of a medical marijuana business or qualified
5 patient. A medical marijuana testing laboratory shall also provide
6 access to the Department or designee of the Department to laboratory
7 premises and to any material or information requested by the
8 Department to determine compliance with the requirements of this
9 section.

10 P. A medical marijuana testing laboratory shall retain all
11 results of laboratory tests conducted on medical marijuana ~~or,~~
12 medical marijuana products or medical marijuana waste for a period
13 of at least two (2) years and shall make them available to the
14 Department upon request.

15 Q. A medical marijuana testing laboratory shall test samples
16 from each harvest batch ~~or product,~~ production batch, ~~as~~
17 ~~appropriate,~~ or waste batch of medical marijuana, medical marijuana
18 concentrate ~~and,~~ medical marijuana product or medical marijuana
19 waste for each of the following categories of testing, consistent
20 with standards developed by the Commissioner:

- 21 1. Microbials;
- 22 2. Mycotoxins;
- 23 3. Residual solvents;
- 24 4. Pesticides;

- 1 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 2 6. Terpenoid potency; and
- 3 7. Heavy metals.

4 R. A test batch shall not exceed ten (10) pounds of usable
5 medical marijuana ~~or, medical marijuana product, as appropriate or~~
6 medical marijuana waste. A grower shall separate each harvest lot
7 of usable marijuana into harvest batches containing no more than ten
8 (10) pounds. A processor shall separate each medical marijuana
9 production lot into production batches containing no more than ten
10 (10) pounds. A grower or processor shall separate each medical
11 marijuana waste lot into waste batches containing no more than ten
12 (10) pounds.

13 S. Medical marijuana testing laboratory licensure shall be
14 contingent upon successful on-site inspection, successful
15 participation in proficiency testing and ongoing compliance with the
16 applicable requirements in this section.

17 T. A medical marijuana testing laboratory shall be inspected
18 prior to initial licensure and annually thereafter by an inspector
19 approved by the Authority.

20 U. Beginning on a date determined by the Commissioner, not
21 later than January 1, 2020, medical marijuana testing laboratory
22 licensure shall be contingent upon accreditation by the NELAC
23 Institute (TNI), ANSI/ASQ National Accreditation Board or another
24

1 accrediting body approved by the Commissioner, and any applicable
2 standards as determined by the Department.

3 V. 1. A commercial grower shall not transfer or sell medical
4 marijuana and a processor shall not transfer, sell or process into a
5 concentrate or product any medical marijuana, medical marijuana
6 concentrate or medical marijuana product unless samples from each
7 harvest batch or production batch from which that medical marijuana,
8 medical marijuana concentrate or medical marijuana product was
9 derived ~~has~~ have been tested by a medical marijuana testing facility
10 for contaminants and passed all contaminant tests required by ~~this~~
11 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

12 2. A processor shall not transfer, sell or process into a
13 concentrate or product any medical marijuana, medical marijuana
14 concentrate or medical marijuana product unless samples from each
15 production batch from which that medical marijuana, medical
16 marijuana concentrate or medical marijuana product was derived have
17 been tested by a medical marijuana testing facility for contaminants
18 and passed all contaminant tests required by this act.

19 3. A commercial grower or processor shall not transfer medical
20 marijuana waste to a medical marijuana waste disposal facility
21 unless samples from each waste batch from which that medical
22 marijuana waste was derived have been tested by a medical marijuana
23 testing facility for contaminants.

24

SECTION 3. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 22, 2021 - DO PASS

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